

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LESTER M. STEPP,)
)
 Plaintiff,)
)
 v.) Case No. CIV 04-497-JHP
)
 JO ANNE B. BARNHART,)
 COMMISSIONER OF THE SOCIAL)
 SECURITY ADMINISTRATION,)
)
)
 Defendant.)

**ORDER AFFIRMING AND ADOPTING THE FINDINGS AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

On March 10, 2006, the United States Magistrate Judge entered his Findings and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and remanded pursuant to the fourth sentence of 42 U.S.C. §405(g). The defendant has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

This court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the court finds and orders that the Report and Recommendation

entered by the United States Magistrate Judge on March 10, 2006, be
AFFIRMED and **ADOPTED** by this court as its Findings and Order.

IT IS SO ORDERED this 10th day of April 2006.



James H. Payne
United States District Judge
Eastern District of Oklahoma